

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Applications of)	MM Docket No. 88-577
LIBERTY PRODUCTIONS,)	
A LIMITED PARTNERSHIP)	File No. BPH-870831MI
)	
WILLSYR COMMUNICATIONS)	File No. BPH-870831MJ
LIMITED PARTNERSHIP)	
)	
BILTMORE FOREST)	File No. BPH-870831MK
BROADCASTING FM, INC.)	
)	
SKYLAND BROADCASTING)	File No. BPH-870831ML
COMPANY)	
)	
ORION COMMUNICATIONS LIMITED)	File No. BPH-870901ME
)	
For a Construction Permit for a New FM)	
Broadcast Station on Channel 243A)	
at Biltmore Forest, North Carolina)	

RECEIVED
NOV 12 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

MOTION TO ENLARGE ISSUES

Biltmore Forest Broadcasting FM, Inc. ("BFB"), by its attorneys, hereby moves the Commission to enlarge the issues currently designated against Liberty Productions, LP ("Liberty"). Pursuant to the Public Notice released by the Commission on October 28, 1999 (DA 99-2355), issue enlargement procedures in this "resumed" hearing proceeding shall be governed by Section 1.229 of the Commission's rules. This rule and this Public Notice must be read in the light of the earlier Commission notice which froze the filing of petitions to enlarge issues in 1994,¹ as well as the provisions of the auction order² which precluded the filing of pre-auction challenges to the qualifications of auction bidders. BFB has assumed that the issuance of the Public Notice on October 28 effectively triggered the commencement of the 15 day period afforded by Section 1.229 of the rules to seek issue enlargement based on newly discovered evidence. As will be set forth below, each of the issues requested either arises from auction-

¹ Modification of FCC Comparative Proceeding Freeze Policy, 9 F.C.C. Rcd. 6689 (1994)

related misrepresentations or defects or became known after the 1994 freeze went into effect. Thus, BFB had no earlier opportunity to raise these issues. Moreover, most of the matters raised here go to the very integrity of the auction process. It is therefore essential that the Commission act swiftly to send a message that the certifications and representations on which the auction process relies must be taken seriously and complied with strictly.

Based on the evidence set forth in greater detail below, BFB requests that the following issues be added:

- a) Whether Liberty failed to include in its Form 175 a certification required by the rules and whether its application must therefore be dismissed as defective;
- b) Whether Liberty falsely certified that it was entitled to a full new entrant bidding credit given that its limited partner has another media interest;
- c) Whether Liberty falsely certified that it was entitled to a full new entrant bidding credit given that its new debt holder has numerous media interests which are properly attributable to Liberty; and
- d) Whether, in light of the above, Liberty's application should be dismissed or denied.

The facts supporting the addition of these issues are set forth below.

I. Background

This case began its tortuous course nearly 13 years ago. In the course of the comparative hearing, Liberty was found to be unqualified to be a broadcast licensee on multiple grounds, including misrepresentation as to the availability of its site. By an Order released in May, the Commission ruled that, in view of Liberty's disqualification on character grounds, hearing proceedings would have to resume if Liberty were the auction winner.³ Because the facts set forth in the instant motion also go to Liberty's basic qualifications and, indeed, toward the continued viability of its application, it is important that these facts be considered at this time.

² In the Matter of Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Fixed Television Service, 13 F.C.C. Rcd. 15920, para. 84 (1998).

³ Liberty Productions, LP, 14 F.C.C. Rcd. 7637 (1999).

II. Defective Short Form Certification

In its Public Notice announcing the procedures for the Closed Broadcast Auction,⁴ the Commission set forth precise and detailed requirements regarding the contents of the Form 175 “short form” application which had to be filed as a precondition to participating in the auction. The Notice specified the amount of the upfront payments for each market as well as the information, exhibits and certifications which were required. Attachment B of the Notice provided detailed instructions for completion of Exhibit A of Form 175 (Applicant Identity and Ownership Information).⁵ The Commission stated in boldfaced type, “Accordingly, **whether or not a New Entrant Bidding Credit is being sought, all applicants must provide the information set forth in this section.**” Of particular concern here is the instruction addressed to “All applicants:”

“Also, bidders or attributable interest holders in bidders must certify under penalty of perjury that the bidder complies with the Commission’s policies relating to media interests of immediate family members. See Policy Statement, Clarification of the Commission’s Policies Regarding Spousal Attribution, 7 F.C.C. Rcd. 1920 (1992)(Italics in original).

It could not have been made clearer that the Commission was demanding a specific certification from all applicants in order to ensure their compliance with the attribution rules. Liberty’s short form application contains no such certification, thus leaving a critical lacuna in the information necessary for its continued participation in the auction process.

The Commission’s procedures for handling auctionable applications are founded upon a very simple and straightforward process. Instead of requiring detailed information to be provided by applicants, the Commission chose instead to rely on certifications submitted by the applicants themselves. Because the process is so streamlined, the Commission repeatedly emphasized the importance of submitting the necessary certifications. It put its instructions in **boldface** and *italics*, and it even cited applicants back to the pertinent rule to warn them again of the consequence of failure to submit all of the required information and certifications. (“**Failure**

⁴ Notice and Filing Requirements for Auction of AM, FM, TV, LPTV, and FM and TV Translator Construction Permits Scheduled for September 28, 1999, DA 99-1346, released July 9, 1999.

⁵ A copy of the pertinent pages of the Notice is attached hereto as Exhibit A.

to submit required information by the resubmission date will result in dismissal of the application and inability to participate in the auction. See 47 C.F.R. Section 1.2105(b).”)

Despite being beat over the head with these warnings and despite precise instructions as to exactly what certifications were required, Liberty omitted one of the mandatory certifications.

The effect of this omission is severe and indisputable. Section 1.2105(b) of the rules provides:

Any short form application (FCC Form 175) that does not contain *all* of the certifications required pursuant to this section is unacceptable for filing and cannot be corrected subsequent to the applicable deadline. The application will be dismissed with prejudice and the upfront payment, if paid, will be returned.
(Emphasis added).

Application of this rule requires dismissal of Liberty’s application without further ado. Not to enforce the rule would totally undermine any credibility in the Commission’s short form application requirements and would effectively make it impossible for the Commission to ever insist on compliance with its own rules. To date the Commission has rigorously policed compliance with its auction rules by, for example, not permitting upfront payments to be submitted even a few hours late.⁶ The Commission has recognized that in this context anything less than a strict application of the rules would lead to a host of requests for waivers and exceptions which would be very difficult to distinguish from one another and would eviscerate the go/no go simplicity of the pre-auction filing scheme.

Because the Commission should have dismissed the Liberty application prior to the auction, BFB suggests that Liberty’s application should simply be dismissed and its upfront payment returned without further penalization. The auction bids of the remaining applicants should then be evaluated as if Liberty had never participated.

III. Liberty Falsified the Media Interests of Its Principals

In addition to omitting the required certification regarding immediate family members, Liberty deliberately misrepresented its eligibility for the “new entrant” bidding credit. The

⁶ Letter to M. Tanber Christian, Esq., DA 99-515, released March 15, 1999.

Ownership Exhibit of Liberty's Form 175 accurately identifies Mr. David Murray as its limited partner with a 65% equity interest. This is consistent with the ownership structure presented by Liberty to the Commission at the hearing, a structure which has never been modified throughout the pendency of the Liberty application. In Exhibit C of the Form 175, Liberty certified that none of its attributable principals held an interest in any media of mass communications. Liberty accordingly claimed a 35% discount as a "new entrant" for purposes of the auction and was accorded such status by the Commission. Liberty's certification was patently false.

Attached hereto as Exhibit B is the most recent ownership report for station WRZK (formerly WLJQ) in Colonial Heights, TN, a market not far from Biltmore Forest itself. The report indicates that Mr. Murray is a general partner and owns 50% of the equity in Murray Communications, the construction permittee and license applicant for station WRZK. That station is operational pending a grant of Murray Communications' license application.

Obviously, Mr. Murray has at least one media interest. By the terms of the Memorandum Opinion and Order released August 5, 1999,⁷ the Commission decided that the attribution rules applicable to determining "new entrant" status would include ostensible limited partners. That is, whether or not Mr. Murray is truly a passive limited partner in Liberty, his other media interests are counted for purposes of the auction. At a minimum, therefore, Liberty should not have qualified for the full 35% discount which it claimed and which it swore under penalty of perjury that it was entitled to.

This material misrepresentation cannot be understated. As courts have noted, applicants before the FCC are held to a high standard of candor and forthrightness. The Commission relies heavily on the completeness and accuracy of the submissions made to it; thus, applicants have an affirmative duty to inform the Commission of the facts it needs to fulfill its statutory mandate.⁸ The Commission will not tolerate deliberate misrepresentations and may also premise a finding

⁷ Implementation of Section 309(j) of the Communications Act, Memorandum Opinion and Order, FCC 99- 201, released August 5, 1999 ("August 5 Order").

⁸ WHW Enterprises, Inc. v. FCC, 753 F.2d 1132, 1139 (D.C. Cir. 1985); RKO General, Inc. v. FCC, 670 F.2d 215, 232 (D.C. Cir. 1981), cert. denied, 456 U.S. 927 (1982).

of lack of candor on omissions⁹. Although a finding of either misrepresentation or lack of candor requires an intent to deceive,¹⁰ such intent may be found from the false statement of fact, coupled with proof that the party making it had knowledge of its falsity.¹¹ Intent may also be inferred from motive.¹²

Liberty clearly had a motive to deceive the Commission—without doing so, it would not have received the bidding credit. By virtue of the August 5 Order, Liberty *knew* that Murray’s media interests should have been counted for purposes of the bidding credit. Liberty deliberately ignored its affirmative duty to disclose this key fact.

A somewhat similar, but distinguishable, situation was presented in Baker Creek Communications.¹³ In that case, Baker Creek applied for an LMDS license and claimed status as a small business. The Commission later determined that a much larger business had *de facto* control over Baker Creek. Thus, the large business and the applicant were deemed affiliates; as such, the applicant was not eligible for the bidding credit. The Commission noted the importance of truthfulness and reliability in determining Baker Creek’s fitness to be a licensee but found that Baker Creek had a good faith belief that it qualified for discounted small business status. Thus, the Commission opted to strip Baker Creek of its discount but not to strip it of its winning status because it found “no substantial evidence to indicate that Baker Creek has shown a lack of truthfulness or reliability in its dealings with the Commission.”¹⁴

Here there can be no such claim. The August 5 Order regarding the attribution of media interests held by limited partners was patently clear, and the Commission repeatedly reminded

⁹ WHW, *supra*, at 1139; RKO General, *supra*, at 230.

¹⁰ Hicks Broadcasting of Indiana, LLC, 14 F.C.C. Rcd. 8412, 8458, para. 122 (1999); Fox River Broadcasting, Inc., 93 F.C.C.2d 127, 129 (1983).

¹¹ Hicks Broadcasting, *supra*, at para. 122.

¹² Id.

¹³ Baker Creek Communications, L.P., 1998 FCC LEXIS 4956, DA 98-1921 (Sept. 22, 1998) (“Baker Creek”).

¹⁴ Id. at para. 34. In cases in which the Commission has not found the requisite intent to deceive, the Commission has based its finding on a negligent omission of facts or inadvertent failure, due to an innocent misunderstanding, to follow FCC rules. *See, e.g.* Randolph Cellular LP, 7 F.C.C. Rcd. 2114 (1992); Baton Rouge MSA Limited Partnership, 9 F.C.C. Rcd. 561 (1994); Hicks Broadcasting, *supra* note 7.

applicants that the Order applied to this auction.¹⁵ More importantly, there are compelling reasons not to simply slap Liberty with an increased payment obligation and award it the license anyway. To do so would send a message that it is permissible to falsify discount status in auction proceedings. Indeed, a cynic might argue that it would be foolish *not* to falsify new entrant status: chances are that you'll never get caught, and even if you do, you'll just have to pay the undiscounted auction price which you should have had to pay in the first place. In a system which depends on accurate certifications by applicants to run smoothly, this is precisely the wrong message for the Commission to be sending. The appropriate remedy should be to dismiss the Liberty application.¹⁶

If outright dismissal is not imposed, there is nevertheless a fundamental issue as to Liberty's qualifications to be a licensee. Certifications in FCC applications are made under penalty of perjury. They are to be undertaken advisedly and gravely and not without serious consideration of the truthfulness of the facts certified. If an auction winner is disqualified due to gross misconduct, misrepresentation or bad faith, the Commission may also declare the applicant and its principals ineligible to bid in future auctions, and may take other action that it may deem necessary, including institution of proceedings to revoke any existing licenses held by the applicant.¹⁷

In 1986, the Commission reaffirmed its longstanding tenet that misrepresentation or lack of candor bears on a broadcast applicant's likely future broadcast performance. In a momentous

¹⁵ "New Rule Now in Effect Concerning Equity/Debt Threshold for Use With Determining Eligibility for New Entrant Bidding Credit," Public Notice, DA 99-1663, released August 19, 1999.

¹⁶ Denial of an application for construction permit, denial of a renewal application, revocation of a license and disqualification of a licensee are all appropriate remedies for misrepresentation, depending on the egregiousness of the applicant's conduct. See, e.g., RKO General, *supra* note 6 (denial of license renewal); Swan Creek Communications, Inc. v. FCC, 38 F.3d 1217 (D.C. Cir. 1994) (FM station applicant disqualified on misrepresentation grounds); Marc A. Albert et al., 6 F.C.C. Rcd. 7160 (released Dec. 6, 1991) (FM construction permit application denied on misrepresentation and financial grounds); Chamelon Radio Corporation, 12 F.C.C. Rcd. 19348 (1997) (AM station license revoked due to repeated deception).

¹⁷ Commercial Realty St. Pete, Inc., et al., 10 F.C.C. Rcd. 4313, 4316, para. 11 (1995) (citing Implementation of Section 309(j) of the Communications Act—Competitive Bidding, Second Report and Order, 9 FCC Rcd. 2348, para. 198, (1994) and Fourth Report and Order, 9 F.C.C. Rcd. 2330, para. 28 (1994)).

rulemaking proceeding pertaining to broadcasters' character qualifications,¹⁸ the Commission stressed that "willful misrepresentation not only violates the Commission's Rules; it also raises immediate concerns over the licensee's ability to be truthful in any future dealings with the Commission." The Commission then went a step further, holding that it was authorized to treat even the most insignificant misrepresentation as disqualifying.¹⁹ It is essential, therefore, that the Commission assess whether Liberty, who has so blithely falsified a critical fact which goes to the very heart of the auction process, is qualified to be a licensee.

Liberty's material misrepresentation has several important consequences. First, the entire auction was skewed by Liberty's deception of the Commission and the other applicants. In effect, Liberty was bidding with money that did not belong to it in order to claim a discount to which it was not properly entitled. The bidding strategies of all other bidders were necessarily distorted by the false illusion which Liberty created that it was a new entrant. The effect which this falsification had on the conduct of the auction was insidious and pervasive since the entire integrity of the auction was compromised; no one could accurately assess and weigh their bids because Liberty had deceived all concerned as to its true status. Merely stripping away Liberty's discount at this point would not correct the error; it *became* the high bidder in part by deliberately deceiving the Commission and the other parties. Thus, dismissal is the only appropriate remedy.

IV. The Interests of Cumulus Must Be Attributed To Liberty

On the eve of the auction, Liberty filed an amendment to its application reporting that it had entered into a "loan" arrangement with Cumulus Broadcasting, a huge megamedia company with hundreds of broadcast interests (See Cumulus' website at www.cumulusb.com/station_index.html). Cumulus is the nation's third largest owner and operator of radio stations.

¹⁸ Policy Regarding Character Qualifications in Broadcast Licensing: Amendment of Rules of Broadcast Practice and Procedure Relating to Written Responses to Commission Inquiries and the Making of Misrepresentations to the Commission by Permittees and Licensees, 102 F.C.C.2d 1179 (1986).

At this writing the other applicants and the Commission have not been apprised of the exact terms of this arrangement, but Liberty itself concedes that if Cumulus' interests were attributed to it, it would not qualify for a new entrant credit.²⁰ To avoid this result, Liberty suggests that Cumulus' media interests should not be attributed to it because Cumulus did not enter the picture until after August 20, 1999 (the short form filing deadline) and that Liberty's new entrant status was fixed as of that date. Liberty has clearly misconceived the Commission's rules and orders.

The interests attributable to Liberty's putative principals are fixed as of August 20, 1999. Whatever media interests Cumulus had on August 20 became attributable to Liberty when it entered into the "loan" arrangement with Cumulus on September 27. Any other view would totally gut the purpose of the Commission's new entrant rules. Under Liberty's bizarre interpretation, any applicant in the auction could simply wait until after the short form filing deadline and then take on a new interest holder with hundreds of broadcast stations and still qualify as a new entrant. This is precisely what Liberty has attempted here, and again it has had the effect of grossly distorting the auction. In this instance, at least, Liberty did not conceal the existence of its new principal; it simply falsely certified that that principal's interests did not count toward the new entrant credit determination. If the new entrant credit is to have any meaning whatsoever, the Commission must make it very clear that legerdemain of this kind will not be countenanced.

Here, the complicity of Cumulus in the false claim to a new entrant bidding credit is very much at issue. Cumulus is the licensee of series of broadcast stations licensed by the Commission. If it participated in, or approved of, the scam which Liberty has attempted to run, Cumulus' qualifications to be a licensee may well be implicated. If Cumulus was engaging in similar misconduct with other broadcast applicants in this auction, it may have tainted the very woof and weave of the entire process. Any inquiry into this issue will therefore necessarily

¹⁹ Id. at 1211, para. 60.

²⁰ See Liberty Productions Amended Exhibit E, filed September 27, 1999.

involve investigation of the terms and circumstances of any other bogus auction arrangements which Cumulus may have entered into with applicants in other markets.

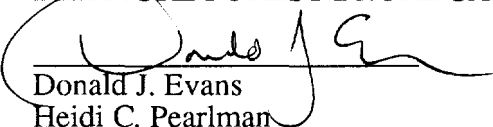
V. Conclusion

Liberty has already been deemed unqualified to a licensee as a result of its misrepresentation regarding its transmitter site. The circumstance set forth above confirm that Liberty's 1987 misrepresentations were not some long ago youthful indiscretion – they are part and parcel of Liberty's fundamental attitude towards truthfulness and towards its obligations to this Commission. A silver stake should be driven through Liberty's heart by disqualifying it and its principals on every available ground, thus clearing the way, at last, for the annointment of a permanent, fully qualified applicant to serve the Biltmore Forest community.

Respectfully submitted,

BILTMORE FOREST BROADCASTING FM, INC.

By:


Donald J. Evans
Heidi C. Pearlman
Its Attorneys

Donelan, Cleary, Wood & Maser, P.C.
1100 New York Avenue, N.W. Suite 750
Washington, D.C. 20005
202-371-9500

Exhibit A – Applicant Identity and Ownership Information: 47 C.F.R. § 1.2105(a)(2)(ii) requires each applicant to fully disclose the real party or parties-in-interest in an exhibit to its FCC Form 175 application. Each applicant applying for a New Entrant Bidding Credit must provide detailed ownership information for itself and its attributable interest holders, as defined by Section 73.3555 of the Commission's rules and by Note 2 to that Section. Ownership information must also be provided in the Closed Broadcast Auction in order for us to verify eligibility to participate in the auction. Accordingly, **whether or not a New Entrant Bidding Credit is being sought, all applicants must provide the information set forth in this section.** The following information is required:

Ownership Information

Applicant Status

Required Information

Individual Applicant

Name, address and citizenship of the natural person seeking to hold in his or her own right, the authorization specified in the application.

Partnership applicants

Name, address and citizenship of all general partners and limited partners and the specific partnership interest held. However, ownership information need not be provided for any limited partner that is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership. In such case(s), a general partner shall certify under penalty of perjury, to the limited partner(s)' insulation, in lieu of providing the limited partner information.

Corporation

Name, citizenship, and address of the corporation and all officers and directors and all parties holding 5 percent or more of the outstanding voting stock, and the amount and percentage held. Ownership information need not be provided for any shareholder with non-voting stock who is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the corporation. In such case(s), an officer shall so certify under penalty of perjury in lieu of providing the non-voting shareholder ownership information.

Limited Liability Company

LLC name and address; and names, addresses, titles, and citizenship of all members. Ownership information need not be provided for any member who is not materially involved, directly or indirectly, in the management or operation of the media-related

activities of the LLC. In such case(s), a managing

member shall certify under penalty of perjury, to the member(s)' insulation in lieu of providing the information regarding the insulated member(s).

Trust

Name, address and citizenship of trustee

All applicants

With respect to the foregoing, information must be provided for all attributable interest holders of the applicant as defined in Section 2.A.(1) and (3) of this Public Notice. *(See also 47 C.F.R. § 73.3555 Note 2). Also, bidders or attributable interest holders in bidders must certify under penalty of perjury that the bidder complies with the Commission's policies relating to media interests of immediate family members. See Policy Statement, Clarification of the Commission's Policies Regarding Spousal Attribution, 7 FCC Rcd 1920 (1992).*

Exhibit B – Agreements with Other Parties/Joint Bidding Arrangements: Applicants must attach an exhibit identifying all parties with which they have entered into any agreements, arrangements or understandings that relate in any way to the licenses being auctioned, including any relating to the post-auction market structure: *See 47 C.F.R. § 1.2105(a)(2)(viii).*

Be aware that pursuant to Certification (4) on the FCC Form 175, the applicant certifies that it will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in the application regarding bid amounts, bidding strategies, or the particular licenses the applicant will or will not bid. *See 47 C.F.R. § 1.2105(a)(2)(ix). To prevent collusion, the Commission's Rules generally prohibit communication among applicants for the same license areas between the initial short-form applications filing deadline and the down payment on licenses won, when such communications concern bids, bidding strategies, or settlements. 47 C.F.R. § 1.2105(c).*

Exhibit C – Status as a New Entrant Bidding Credit Recipient: Applicants claiming status as a new entrant must attach an exhibit providing the following: With respect to those qualifying for a 35 percent credit the applicant must provide a certification under penalty of perjury that neither it nor any of its attributable interest holders have any attributable interests in any other media of mass communications, as defined in 47 C.F.R. § 73.5008. With respect to those qualifying for a 25 percent credit, the applicant must provide a certification under penalty of perjury that neither it nor any of its attributable interest holders have attributable interests in more than three media of mass communications, as defined in 47 C.F.R. § 73.5008. In addition, applicants claiming a 25 percent credit shall identify and describe such media of mass communications. *See 47 C.F.R. §§ 73.5007 and 73.5008.*

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Approved by OMB
3080-0010
Expires 6/30/92

EXHIBIT B
Page 1

FCC - MAIL ROOM
United States of America
Federal Communications Commission
Washington, D. C. 20554

Ownership Report

NOTE: Before filling out this form, read attached instructions

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license/permit or transfer of control (except to report an assignment of license/permit or transfer of control made pursuant to prior Commission consent).

All of the information furnished in this Report is accurate as of

December 8, 1992

(Date must comply with Section 73.3615(a), i.e., information must be current within 60 days of the filing of this report, when 1(a) below is checked.)

This report is filed pursuant to instruction (check one)

1(a) ☐ Annual 1(b) ☒ Transfer of Control or Assignment of License 1(c) ☐ Other

for the following station(s):

Call Letters

Location

Class of service

BPH-
900220MM

Colonial Heights,
Tennessee

FM - A

2. Give the name of any corporation or other entity for whom a separate Report is filed due to its interest in the subject licensee (See Instruction 3):

NONE

3. Show the attributable interests in any other broadcast station of the respondent. Also, show any interest of the respondent, whether or not attributable, which is 5% or more of the ownership of any other broadcast station or any newspaper or CATV entity in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules.

NONE

CERTIFICATION

I certify that I am a General Partner

(Official title, see Instruction 1)

of Murray Communications

(Exact legal title or name of respondent)

that I have examined this Report, that to the best of my knowledge and belief, all statements in the Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Item 1 and in no event prior to Item 1 date):

David T. Murray DEC. 8, 1992
(Signature) (Date)

Telephone No. of respondent (include area code):

615-239-4745

Any person who willfully makes false statements on this report can be punished by fine or imprisonment. U.S. Code, Title 18, Section 1001.

Name and Post Office Address of respondent:

David T. Murray

1028 Woodstone Drive

Colonial Heights, TN 37663

4. Name of entity, if other than licensee or permittee, for which report is filed (see Instruction 3):

N/A

5. Respondent is:

- ☐ Sole Proprietorship
☐ For-profit corporation
☐ Not-for-profit corporation
☒ General Partnership
☐ Limited Partnership
☐ Other:

If a limited partnership, is certification statement included as in Instruction 4?

☐ Yes ☐ No N/A

6. List all contracts and other instructions required to be filed by Section 73.3813 of the Commission's Rules and Regulations. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
NONE			

7. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee, shall respond.)

Class of Stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
N/A					

Remarks concerning family relationships, attribution exemptions and certifications: (See Instructions 4, 5 and 6)

David T. Murray and Martha R. Murray are Husband and Wife

8. List officers, directors, cognizable stockholders and partners. Use one column for each individual or entity. Attach additional pages, if necessary. See instructions 4, 5, and 6.

Line (Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of officer, director, cognizable stockholder or partner (If other than individual also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interest.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules, including the nature and size of such interests and the position held.

1	(a) David T. Murray 1028 Woodstone Drive Colonial Heights, TN 37663	(b) Martha R. Murray 1028 Woodstone Drive Colonial Heights, TN 37663	(c)
2	USA	USA	
3	General Partner	General Partner	
4	50%	50%	
5	1	1	
6	50%	50%	
7	NONE	NONE	
8	NONE	NONE	

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this Report is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to assess compliance with the Commission's multiple ownership restrictions. The staff, consisting variously of attorneys and examiners, will use the information to determine such compliance. If all the information requested is not provided, processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to retain your authorization.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974,
5 U.S.C. 552(d)(3) AND THE PAPERWORK REDUCTION ACT P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

I, Marianne Wegrzyn, a Secretary at the firm of Donelan, Cleary, Wood and Maser, P.C. hereby certify that the foregoing MOTION TO ENLARGE ISSUES was mailed by first class mail, postage pre-paid, to the following persons on this 12th day of November, 1999:

Timothy K. Brady, Esq.
Law Offices of Timothy K. Brady
P.O. Box 71309
Newman, GA 30271-1309

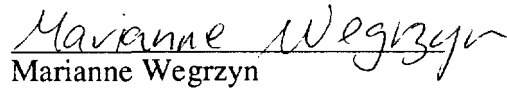
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* Via hand delivery


Marianne Wegrzyn